

Message Text

CONFIDENTIAL

PAGE 01 STATE 267365

64

ORIGIN PM-04

INFO OCT-01 NEA-10 ISO-00 L-03 NSC-05 SP-02 SS-15 CIAE-00

INR-07 NSAE-00 SSO-00 NSCE-00 INRE-00 ACDA-07 IGA-02

AID-05 EB-07 OMB-01 TRSE-00 /069 R

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NEA/INS/N - DTELLEEN

DOD/DSAA - LJBRIESKE

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O 292237Z OCT 76

FM SECSTATE WASHDC

TO AMEMBASSY KATHMANDU IMMEDIATE

INFO SECDEF IMMEDIATE

C O N F I D E N T I A L STATE 267365

E.O. 11652: GDS

TAGS: MASS, NP

SUBJECT: IMPLEMENTATION OF NEW STATUTORY CONDITION OF
ELIGIBILITY OF MILITARY ASSISTANCE AND TRAINING

REF: A) KATHMANDU 3579 B) STATE 196640
C) USDAO KATHMANDU NO. 251,2009550Z OCT 76

1. DEPARTMENT HAS BEEN ADVISED BY DOD THAT NEPALESE EM
SCHEDULED TO BEGIN FIELD RADIO REPAIR COURSE (WORKSHEET
CONTROL WSCN NO. H3130 L & A) NEXT WEEK IN CONUS. THIS
TRAINING IS NOT CONSIDERED ACADEMIC (SEE PARA 1, REFTEL A),
AND USG PROVISION OF SUCH TRAINING UNDER IMET REQUIRES
EXCHANGE OF NOTES AS OUTLINED PARA 8B REFTEL B.

2. IN ORDER TO ALLOW NEPALESE EM TO ATTEND FIELD RADIO
REPAIR COURSE, EMBASSY MUST FIRST OBTAIN ASSURANCE FROM
APPROPRIATE GON OFFICIALS THAT GON WILL AGREE TO EXCHANGE
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PAGE 02 STATE 267365

OF NOTES. IN ORDER TO DIMINISH ANY GON HOPES FOR MAP

MATERIEL, AND TO SIMPLIFY OBTAINING REQUISITE ASSURANCES,
EMBASSY IS AUTHORIZED TO UTILIZE FOLLOWING TEXT IN LIEU

OF DRAFT CONTAINED IN PARA 8B REFTEL B:

BEGIN TEXT: THE EMBASSY OF THE UNITED STATES OF AMERICA
PRESENTS ITS COMPLIMENTS TO THE (MINISTRY OF FOREIGN
AFFAIRS) OF THE GOVERNMENT OF NEPAL AND HAS THE HONOR
TO REFER TO RECENTLY ENACTED PROVISIONS OF UNITED STATES
LAW AFFECTING ELIGIBILITY FOR U.S. MILITARY TRAINING
RELATED TO DEFENSE ARTICLES.

THE PROVISIONS OF THE INTERNATIONAL SECURITY ASSISTANCE
AND ARMS EXPORT CONTROL ACT OF 1976 ESTABLISH NEW STA-
TUTORY AUTHORITY FOR MILITARY EDUCATION AND TRAINING
WHICH HERETOFORE HAS BEEN FURNISHED BY THE UNITED STATES
GOVERNMENT AS A DEFENSE SERVICE UNDER ITS MILITARY
ASSISTANCE PROGRAM. IN ADDITION, THEY PROHIBIT THE
FURNISHING OF SUCH TRAINING UNLESS THE RECIPIENT COUNTRY
AGREES THAT IT WILL OBSERVE CERTAIN CONDITIONS.

IN ORDER TO IMPLEMENT THIS LAW, AND TO PRESERVE THE
ELIGIBILITY OF THE GOVERNMENT OF NEPAL FOR MILITARY
TRAINING THEREUNDER, IT IS PROPOSED THAT THE GOVERNMENT
OF NEPAL PROVIDE THE FOLLOWING ASSURANCES:

1. THAT IT WILL NOT, WITHOUT THE CONSENT OF THE UNITED
STATES GOVERNMENT,

A. PERMIT ANY USE OF TRAINING, FURNISHED BY THE UNITED
STATES GOVERNMENT, BY ANYONE NOT AN OFFICER, EMPLOYEE, OR
AGENT OF THE GOVERNMENT OF NEPAL

B. TRANSFER OR PERMIT ANY OFFICER, EMPLOYEE, OR AGENT OF
THE GOVERNMENT OF NEPAL TO TRANSFER SUCH TRAINING BY GIFT,
SALE, OR OTHERWISE, OR

C. USE OR PERMIT THE USE OF SUCH TRAINING FOR PURPOSES
OTHER THAN THOSE FOR WHICH FURNISHED BY THE UNITED STATES
GOVERNMENT.
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PAGE 03 STATE 267365

2. THAT IT WILL MAINTAIN THE SECURITY OF SUCH TRAINING
FURNISHED BY THE UNITED STATES GOVERNMENT; AND WILL PRO-
VIDE SUBSTANTIALLY THE SAME DEGREE OF SECURITY PROTECTION
AFFORDED TO SUCH TRAINING BY THE UNITED STATES GOVERN-
MENT.

3. THAT IT WILL PERMIT CONTINUOUS OBSERVATION AND

REVIEW BY, AND FURNISH NECESSARY INFORMATION TO, REPRESENTATIVES OF THE UNITED STATES GOVERNMENT WITH REGARD TO

THE USE OF SUCH TRAINING AND

4. THAT IT WILL RETURN TO THE UNITED STATES GOVERNMENT SUCH TRAINING MATERIELS FURNISHED ON A GRANT BASIS AS ARE NO LONGER NEEDED FOR THE PURPOSES FOR WHICH FURNISHED, UNLESS THE UNITED STATES GOVERNMENT CONSENTS TO OTHER DISPOSITION.

IT IS FURTHER PROPOSED THAT THE MINISTRY'S REPLY STATING THAT THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT OF NEPAL SHALL, TOGETHER WITH THIS NOTE, CONSTITUTE AN AGREEMENT BETWEEN THE GOVERNMENTS ON THIS SUBJECT, TO BE EFFECTIVE FROM THE DATE OF THE MINISTRY'S NOTE IN REPLY. (COMPLIMENTARY CLOSE). END TEXT.

3. REQUEST BOTH DEPARTMENT AND DOD BE ADVISED RE THIS MATTER ASAP. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY TRAINING, MILITARY ASSISTANCE, MILITARY ASSISTANCE PROGRAMS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 OCT 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE267365
Document Source: CORE
Document Unique ID: 00
Drafter: RJSLOTT:L/PM:JMICHEL:RF
Enclosure: n/a
Executive Order: RR
Errors: N/A
Film Number: D760404-0776
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976103/aaaaabzq.tel
Line Count: 135
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 KATHMANDU 3579, 76 STATE 196640, USDAO KATHMANDU NO. 251, 2009550Z OCT 76
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 27 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 JUL 2004 by coburnhl>; APPROVED <15 OCT 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: IMPLEMENTATION OF NEW STATUTORY CONDITION OF ELIGIBILITY OF MILITARY ASSISTANCE AND TRAINING
TAGS: MASS, NP, US
To: KATHMANDU
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006